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22703 U.S. PTO

**TRANSMITTAL OF
UTILITY
APPLICATION
UNDER 37
C.F.R. §1.53**

Attorney Docket No.

17248-004002 (4804B)

First named inventor

Aladar Szalay

Express mail label #

EV 471528587 US

Date of mailing

May 19, 2004

16834 U.S. PTO
10/163,763

051904

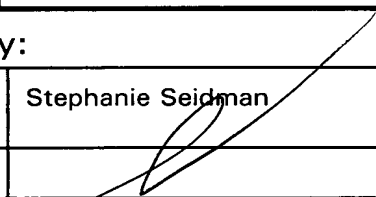
| Application Elements | | Accompanying Application Papers | |
|--|--|--|--|
| <p>1. <input checked="" type="checkbox"/> Fee Transmittal Form</p> <p>2. <input checked="" type="checkbox"/> Specification containing <u>25</u> pages (including cover page, claims and Abstract).</p> <p>a. Title: LIGHT EMITTING MICROORGANISMS AND CELLS FOR DIAGNOSIS AND THERAPY OF DISEASES ASSOCIATED WITH WOUNDED OR INFLAMED TISSUE</p> <p>b. Number of claims: <u>32</u></p> <p>3. <input checked="" type="checkbox"/> <u>7</u> sheets of formal drawings with <u>7</u> Figs.</p> <p>4. <input checked="" type="checkbox"/> Copy of Combined Declaration and Power of Attorney filed in parent application, 2 pages</p> <p>5. <input type="checkbox"/> Sequence Listing <input type="checkbox"/> Paper copy (identical to computer copy) <input type="checkbox"/> Computer readable copy <input type="checkbox"/> Verified statement</p> | | <p>6. <input checked="" type="checkbox"/> Other: <input checked="" type="checkbox"/> Copy of Transmittal Letter and Petition for Automatic Extension of Time filed under separate cover in Atty Docket No. 17248-004001 (4804), U.S. Serial No. 10/163,763, to claim copendency, 1 page</p> <p>7. <input checked="" type="checkbox"/> Copy of assignments from parent application, 6 pages</p> <p>8. <input checked="" type="checkbox"/> Small Entity Status is claimed</p> <p>9. <input checked="" type="checkbox"/> Power of Attorney By Assignee and Certificate Under 27 C.F.R. Section 3.73 (b), 2 pages</p> <p>10. <input type="checkbox"/> Preliminary Amendment</p> <p>11. <input checked="" type="checkbox"/> Return Receipt Postcard</p> | |
| | | SIGNATURE OF ATTORNEY/AGENT | |
| | | FISH & RICHARDSON P.C. | |
| | | Stephanie Seidman Registration Number: 33,779 | |
| <p><input checked="" type="checkbox"/> This application is a continuation (and claims the benefit of priority under 35 U.S.C. Section 120) of U.S. application serial no. 10/163,763, filed June 5, 2002. The disclosure of the prior application is considered part of (and is incorporated by reference in) the disclosure of this application.</p> | | | |
| CORRESPONDENCE ADDRESS | | | |
| NAME | Stephanie Seidman Registration No. 33,779 FISH & RICHARDSON P.C. | | |
| Address | 12390 El Camino Real, San Diego, CA 92130-2081 | | |
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| | | |
|---|----------------------|----------------------|
| FEE TRANSMITTAL ACCOMPANYING UTILITY APPLICATION UNDER 37 C.F.R. §1.53 | Attorney Docket No. | 17248-004002 (4804B) |
| | First named inventor | Aladar Szalay |
| | Express mail label # | EV 471528587 US |
| | Date of mailing | May 19, 2004 |

FEE CALCULATION FOR CLAIMS AS AMENDED

| | | |
|-------------------------|---|------------------|
| a) | Basic Fee | \$ 770.00 |
| b) | Independent Claims <u>3</u> - 3 = <u>0</u> x \$ 86.00 | \$ 0.00 |
| c) | Total Claims <u>12</u> - 20 = <u>0</u> x \$ 18.00 | \$ 216.00 |
| d) | Fee for Multiple Dependent Claims - \$290.00 | \$ 0.00 |
| TOTAL FILING FEE | | \$ 986.00 |

- [X] Status as Small Entity is claimed,
reducing Fee by one-half to \$493.00
- [X] A check in the amount of \$493.00 to cover the fee for filing the application.
- [] Charge \$.00 to Deposit Account No. 06-1050.
- [X] The Commissioner is hereby authorized to charge any fees that may be required in this application under 37 C.F.R. §§ 1.16-1.17 during its entire pendency, or credit any overpayment, to Deposit Account No. 06-1050. If proper payment is not enclosed, such as a check in the wrong amount, unsigned, post-dated, otherwise improper or informal, or absent, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1050 during the entire pendency of this application. This sheet is filed in duplicate.

| CORRESPONDENCE ADDRESS | | | |
|------------------------|--|---------------------------|-------------|
| NAME | Customer No. 20985 Stephanie Seidman Registration No. 33,779 FISH & RICHARDSON P.C. | | |
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| Submitted by: | | | |
| Typed or printed name | Stephanie Seidman | | Reg. Number |
| Signature |  | Date | 05/19/04 |
| | | Deposit Account | 06-1050 |

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Aladar Szalay et al.
Serial No. : 10/163,763
Filed : June 5, 2002
Cust. No. : 20985

Art Unit : 1632
Examiner : Robert M. Kelly
Conf. No. : 9889

COPY

Title : LIGHT EMITTING MICROORGANISMS AND CELLS FOR DIAGNOSIS AND
THERAPY OF DISEASES ASSOCIATED WITH WOUNDED OR INFLAMED TISSUE

Mail Stop Amendment
Commissioner for Patents
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER AND PETITION FOR AUTOMATIC EXTENSION

Dear Sir:

Transmitted herewith are a Petition for Automatic Extension, a check (\$1,005.00) for the fee for a Five (5) months extension of time, responsive to the Restriction Requirement mailed on November 19, 2003, a copy of the Power of Attorney By Assignee and Certificate Under 37 C.F.R. §3.73(b) filed on May 17, 2004, and a return postcard for filing in connection with the above-captioned application. A continuation application is being filed under separate cover on the same day herewith to retain copendency with this application. If a Petition for extension of time is needed, this paper is to be considered such Petition.

Extension fee for a Five (5) month extension of time:

- ☒ By a small entity.....\$1,005.00
- ☒ The Commissioner is hereby authorized to charge the fee for the extension of time and any other fee that may be due in connection with this and the attached papers or with this application during its entire pendency to Deposit Account No. 06-1050. A duplicate of this sheet is enclosed.

Respectfully submitted,

Stephanie L. Seidman
Reg. No. 33,779

Attorney Docket No. 17248-004001 (4804)

Address all correspondence to:

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10397435.doc

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

"Express Mail" Mailing Label Number EV 471528560 US
Date of Deposit May 19, 2004

I hereby certify that this paper is being deposited with the United States Postal "Express Mail Post Office to Addressee" Service under 37 CFR §1.10 on the date indicated above and is addressed to: Mail Stop Amendment, Commissioner for Patents, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

Stephanie L. Seidman